

REMARKS**Summary of the Office Action**

Claims 6 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by USPN 6,220,592 to *Watanabe et al.* ("*Watanabe*").

Claims 1, 3-5, and 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe* in view of USPN 6,371,471 to *Fukazu et al.* ("*Fukazu*").

Summary of the Response to the Office Action

Applicant has canceled claims 3, 6, and 8 without prejudice or disclaimer and amended claims 1 and 12. Accordingly, claims 1, 4-5, and 12-14 are presently pending.

The Rejection Under 35 U.S.C. § 102(b)

Claims 6 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Watanabe*. Applicant cancels claims 6 and 8 without prejudice or disclaimer, therefore, the rejection is moot. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) be withdrawn.

The Rejection Under 35 U.S.C. § 103(a)

Claims 1, 3-5, and 12-14 stand rejected 35 U.S.C. § 103(a) as being unpatentable over *Watanabe* in view of *Fukazu*. Applicant respectfully traverses the rejection for at least the following reasons.

The Office Action has not established a *prima facie* case of obviousness at least because *Watanabe* and *Fukazu*, whether alone or in combination, fail to teach or suggest all the recited features of newly amended independent claims 1 and 12. Newly amended independent claim 1

recites, in part, “advancing and retracting operations of said pressing member vary according to whether or not folding is performed on sheets newly supplied to said compiling tray; said pressing member is provided at a downstream side of a supplying direction of said sheets above said compiling tray, and a guide member, provided in such a way as to be able to be interlocked with said pressing member, for guiding the sheets newly supplied to said compiling tray when said pressing member is moved to the advancing position.” Similarly, newly amended independent claim 12 recites, in part, “a conveyance force of said second moving-aside unit is used for moving said sheets aside toward said longitudinal reference wall, and set therein in such a way as to be variable; and said second moving-aside unit changes a first state into a second state having a weaker conveyance force than that of the first state so as to change the upper position and the lower position, when an amount of the sheets discharged from the leading end side of the sheets and stacked on the compiling tray exceeds a predetermined amount; and said second moving-aside unit changes the first state into the second state in an amount less than the predetermined amount when the sheets on which a folding is performed are discharged from the leading end side of the sheets and stacked on the compiling tray.” *Watanabe* or *Fukazu*, whether taken alone or in combination, fail to teach or suggest at least these features of claims 1 and 12.

As pointed out in M.P.E.P. § 2143.03, all the claimed limitations must be taught or suggested by the prior art to establish *prima facie* obviousness of a claimed invention. Because *Watanabe* and *Fukazu*, whether taken alone or in combination, fail to teach or suggest each feature of newly amended independent claims 1 and 12, the rejection under 35 U.S.C. § 103(a) should be withdrawn. Furthermore, claims 4-5 and 13-14 depend from one of independent

claims 1 or 12. Accordingly, claims 4-5 and 13-14 are also allowable because of the additional features they recite and the reasons stated above.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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